

EXHIBIT D

Transcribed Trial Testimony of Robert Greene that was video recorded and played for the Jury

RobertGreene-editedfortrial

Designation List Report



Greene, Robert

2023-05-24

<u>Our Designations</u>	00:11:28
TOTAL RUN TIME	00:11:28

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DESIGNATION	SOURCE	DURATION	ID
5:03 - 5:06	Greene, Robert 2023-05-24	00:00:06	RobertGreene-editedfortrial.18
5:03	- - -		
5:04	ROBERT GREENE, having been duly sworn, was		
5:05	examined and testified as follows:		
5:06	- - -		
5:12 - 8:15	Greene, Robert 2023-05-24	00:03:44	RobertGreene-editedfortrial.19
5:12	Q. Can you please state your duty		
5:13	position?		
5:14	A. I am a deportation officer with ERO		
5:15	under ICE.		
5:16	Q. How long have you been with ICE?		
5:17	A. Sixteen years.		
5:18	Q. Can you describe the firearms training		
5:19	you've received with ICE?		
5:20	A. We qualify every quarter with my issued		
5:21	SIG Sauer.		
5:22	Q. How long have you been carrying a		
5:23	SIG Sauer?		
5:24	A. Since I got hired on the agency, that's		
6:01	the only manufacturer that I've been issued.		
6:02	Q. Do you recall the different types of		
6:03	models of SIG Sauer you've received?		
6:04	A. We had a prior one that was a		
6:05	40 caliber, and I honestly can't remember the model		
6:06	number off the top of my head.		
6:07	Q. Have you ever experienced an		
6:08	unintentional discharge, other than the one which		
6:09	occurred on August 3rd, 2021, which we're going to		
6:10	talk about today?		
6:11	A. No.		
6:12	(Greene Deposition Exhibit 1 was		
6:13	marked for identification.)		
6:14	BY MR. CEISLER:		
6:15	Q. I'm now going to show you a video. I'm		
6:16	going to mark it as Exhibit 1.		
6:17	Can you see my screen all right, sir?		
6:18	A. Yes, I can.		
6:19	Q. All right. I'm going to play you the		
6:20	first minute of the video and then ask you some		
6:21	questions about it. Okay?		

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DESIGNATION	SOURCE	DURATION	ID
	6:22 A. All right.		
	6:23 (Whereupon, a video was played for the		
	6:24 deponent to view.)		
	7:01 BY MR. CEISLER:		
	7:02 Q. I am going to stop it at 32 seconds.		
	7:03 Sir, have you seen this video before?		
	7:04 A. I have.		
	7:05 Q. What does this video depict, generally?		
	7:06 A. It depicts me taking out the lockbox		
	7:07 key and putting back in my equipment and my duty		
	7:08 weapon back in the holster.		
	7:09 Q. Is there a discharge of a weapon in		
	7:10 this video?		
	7:11 A. Yes, there was.		
	7:12 Q. Does this video fairly and accurately		
	7:13 represent the discharge incident of		
	7:14 August 3rd, 2021, as you recall it?		
	7:15 A. Yes.		
	7:16 Q. I'm now going to show you another		
	7:17 video, which is, I can represent to you, a close-up		
	7:18 of the same video. I'm just going to ask you a few		
	7:19 questions about that.		
	7:20 A. Okay.		
	7:21 MR. CEISLER: Off the record for a		
	7:22 second.		
	7:23 THE VIDEOGRAPHER: We're going off the		
	7:24 record. The time is 10:09 a.m.		
	8:01 (Whereupon, a short recess was had from		
	8:02 10:09 a.m. to 10:10 a.m.)		
	8:03 THE VIDEOGRAPHER: We are back on the		
	8:04 record. The time is 10:10 a.m.		
	8:05 BY MR. CEISLER:		
	8:06 Q. All right. Sir, can you see my screen		
	8:07 all right?		
	8:08 A. Yes.		
	8:09 Q. I'm going to show you another video.		
	8:10 (Whereupon, a video was played for the		
	8:11 deponent to view.)		
	8:12 BY MR. CEISLER:		
	8:13 Q. Does this video fairly and accurately		
	8:14 represent the August 3rd, 2021, discharge incident,		

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DESIGNATION	SOURCE	DURATION	ID
	8:15 as you recall it?		
8:19 - 8:19	Greene, Robert 2023-05-24	00:00:01	RobertGreene-editedfortrial.2
	8:19 A. Yes.		
10:07 - 10:09	Greene, Robert 2023-05-24	00:00:06	RobertGreene-editedfortrial.3
	10:07 Q. Do you recall this incident from		
	10:08 August 3rd of 2021?		
	10:09 A. Yes.		
10:23 - 12:14	Greene, Robert 2023-05-24	00:02:00	RobertGreene-editedfortrial.4
	10:23 MR. CEISLER: All right. I'm going to		
	10:24 introduce this video as Exhibit 2. This is		
	11:01 the video with the zoom.		
	11:02 BY MR. CEISLER:		
	11:03 Q. First, where are you in this video,		
	11:04 sir?		
	11:05 A. I am at the lockbox inside of the jail		
	11:06 sally port, the St. Clair County Jail in		
	11:07 Port Huron, Michigan.		
	11:08 Q. And just to absolutely confirm: That		
	11:09 is you with the blue jacket and the tan, khaki		
	11:10 pants?		
	11:11 A. Yes.		
	11:12 Q. What were you doing there, sir?		
	11:13 A. I am getting ready to unlock the		
	11:14 lockbox and take out my ICE-issued equipment and my		
	11:15 sidearm.		
	11:16 Q. Had you worked at this facility before?		
	11:17 A. I'm sorry?		
	11:18 Q. Had you work at this -- had you worked		
	11:19 at this facility before?		
	11:20 A. For ICE?		
	11:21 Q. Yes, sir.		
	11:22 A. Yes.		
	11:23 Q. And what were you doing at this		
	11:24 facility?		
	12:01 A. I was there as a liaison for my agency.		
	12:02 Q. So here you are at the lockbox. We're		
	12:03 at 14 seconds in the Video 2 -- Exhibit 2.		
	12:04 So can you describe for me what you are		
	12:05 doing from -- actually, we're at 10 seconds, so		
	12:06 between 10 seconds and about 11 seconds.		

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DESIGNATION	SOURCE	DURATION	ID
	12:07 So in that chunk I just showed you, 12:08 right before you put your hand on the gun, what are 12:09 you doing? 12:10 A. Right before I put my hand on the gun? 12:11 Q. No, right -- right before you put your 12:12 hand on the gun. 12:13 A. I'm reaching in the box and pulling out 12:14 my firearm.		
13:03 - 13:19	Greene, Robert 2023-05-24 13:03 Q. In this -- in this moment, where is 13:04 your firearm? 13:05 A. In this moment, I believe it's still 13:06 inside the box. It's -- obviously, I can't see it, 13:07 so that would be my assumption. 13:08 Q. So you are retrieving your firearm from 13:09 the box? 13:10 A. Correct. 13:11 Q. Okay. Where is your firearm at this 13:12 moment? 13:13 A. It's in my hand just above the holster, 13:14 I believe. 13:15 Q. And you are holstering the weapon? 13:16 A. Correct. 13:17 Q. Okay. Stop me at the moment of 13:18 discharge that you -- as you recall it. 13:19 A. There.	00:00:49	RobertGreene-ed itedfortrial.5
14:24 - 15:06	Greene, Robert 2023-05-24 14:24 Q. Do you recall where your finger was at 15:01 the moment of discharge? 15:02 A. I believe it was outside of the 15:03 holster. 15:04 Q. Do you recall giving a statement as 15:05 part of an investigation into this incident? 15:06 A. Yes.	00:00:24	RobertGreene-ed itedfortrial.6
16:07 - 16:23	Greene, Robert 2023-05-24 16:07 MR. CEISLER: All right. Then I'm 16:08 going to introduce, as Exhibit 3, a document 16:09 which has been produced to us entitled 16:10 Management Inquiry Investigative Report, 16:11 along with ten exhibits that came with it.	00:01:07	RobertGreene-ed itedfortrial.7

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DESIGNATION	SOURCE	DURATION	ID
	16:12 This was produced by ICE to us. 16:13 BY MR. CEISLER: 16:14 Q. There's a line here which states, 16:15 "DO-redacted stated, I honestly have no idea. I 16:16 made sure that my finger was outside the trigger 16:17 guard area while holstering, and nothing was in the 16:18 holster. So I really have no idea clue as to what 16:19 happened." 16:20 Does that statement refresh your 16:21 recollection of what you stated as part of the 16:22 investigation at the time as to whether your finger 16:23 was inside the trigger guard?		
17:01 - 18:01	Greene, Robert 2023-05-24 17:01 A. I'm going to -- yes, if -- that's the 17:02 statement I gave at the time -- at that time, I 17:03 believe that's what I believed and what I said. 17:04 BY MR. CEISLER: 17:05 Q. Sir, was your finger inside of the 17:06 trigger guard at the time this gun discharged? 17:07 A. No. 17:08 Q. How sure are you of that? 17:09 A. I feel a hundred percent sure on that. 17:10 Q. Was your finger on the trigger at the 17:11 time the gun went off? 17:12 A. No. 17:13 Q. And how sure are you of that? 17:14 A. I'm a hundred percent sure of that 17:15 also. 17:16 Q. Was your finger outside of the holster 17:17 at the time the gun discharged? 17:18 A. Yes, I believe so. 17:19 Q. And you've reviewed video of this 17:20 incident, correct? 17:21 A. It's been a while, but, yes, I did. 17:22 Q. And did that video confirm your belief 17:23 that your finger was outside of the holster at the 17:24 time of the incident? 18:01 A. It did to me, yes.	00:01:00	RobertGreene-editedfortrial.8
18:18 - 18:22	Greene, Robert 2023-05-24 18:18 Q. What type of holster are you wearing?	00:00:15	RobertGreene-editedfortrial.9

RobertGreene-editedfortrial

DESIGNATION	SOURCE	DURATION	ID
	18:19 A. That is the issued holster that I 18:20 received when I received that weapon. It's a black 18:21 molded plastic. I believe the brand was the same 18:22 as the firearm.		
24:18 - 24:19	Greene, Robert 2023-05-24	00:00:05	RobertGreene-editedfortrial.10
	24:18 Q. Was your pistol fully seated at the 24:19 time it discharged?		
24:21 - 25:13	Greene, Robert 2023-05-24	00:00:47	RobertGreene-editedfortrial.11
	24:21 A. I do not know. 24:22 BY MR. CEISLER: 24:23 Q. Was it inside of the holster at the 24:24 time it discharged? 25:01 A. I believe it was, partially. 25:02 Q. Do you know, partially or fully? 25:03 A. I do not know how far in the holster it 25:04 was. 25:05 Q. Okay. And to confirm, this was a 25:06 SIG Sauer P320, correct? 25:07 A. Yes. 25:08 Q. And it was SIG Sauer P320 that you were 25:09 issued by ICE? 25:10 A. Yes. I was issued that weapon by ICE. 25:11 Q. It didn't have any sort of manual 25:12 external safety? 25:13 A. No.		
27:22 - 27:24	Greene, Robert 2023-05-24	00:00:04	RobertGreene-editedfortrial.12
	27:22 BY MR. CEISLER: 27:23 Q. Were you following your training? 27:24 A. Yes.		
28:01 - 28:03	Greene, Robert 2023-05-24	00:00:07	RobertGreene-editedfortrial.13
	28:01 Q. Were you following the basic rules of 28:02 firearm safety, as you know them? 28:03 A. Yes, as I know them.		
46:17 - 46:18	Greene, Robert 2023-05-24	00:00:05	RobertGreene-editedfortrial.14
	46:17 Q. Did you have any personal concerns with 46:18 carrying the P320 again after your incident?		
46:22 - 46:23	Greene, Robert 2023-05-24	00:00:03	RobertGreene-editedfortrial.15
	46:22 A. I really didn't have any thoughts on it 46:23 either way.		

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DESIGNATION	SOURCE	DURATION	ID
71:04 - 71:13	Greene, Robert 2023-05-24	00:00:25	RobertGreene-editedfortrial.16
	71:04 Q. Have you changed any of your practices 71:05 in holstering or un-holstering your pistol since 71:06 this incident? 71:07 A. Well, obviously, I'm a lot more 71:08 cautious because, as I've said, I have no idea what 71:09 happened, but I'm going to continue to try to do 71:10 everything in my power to make sure it doesn't 71:11 happen again. 71:12 Q. When you say you're "a lot more 71:13 cautious," how so?		
71:18 - 71:24	Greene, Robert 2023-05-24	00:00:20	RobertGreene-editedfortrial.17
	71:18 I always did before, I make sure to double check 71:19 that there's nothing in the holster, nothing 71:20 obstructed, you know. 71:21 Q. Have you had any problems or issued 71:22 with -- issues with the P320 that you were issued 71:23 after this incident? 71:24 A. No.		

Our Designations**00:11:28****TOTAL RUN TIME****00:11:28**